

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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Before the court is defendants' Verified Memorandum of Attorney Fees and Costs (#30) in Support of Order Granting Defendants' Motion to Compel (#24), filed pursuant to the court's August 13, 2010 Order (#29) requiring plaintiffs to pay the reasonable expenses, including attorney's fees and costs, incurred by defendant in bringing its Motion to Compel (#24). Plaintiffs filed an Objection (#39) to the Memorandum and defendants a Reply (#40).

In LR 54-16(b)(3), the District of Nevada has set forth the factors to consider in awarding attorney's fees. These factors are the same as those set forth by the Ninth Circuit in *Kerr v. Screen Extras Guild, Inc.*, 526 F.2d 67, 70 (9th Cir. 1975). Both allow the court to consider, among other things, (1) the time and labor required, (2) the skill requisite to properly perform the legal services, and (3) the novelty and difficulty of the questions presented.

Defendants request \$3,344.00 in attorney's fees representing 17.6 hours "handling this discovery issue," apportioned as follows: 3.2 hours spent reviewing plaintiffs' discovery responses and drafting a letter regarding deficiencies; 1.6 hours spent discussing the matter with plaintiffs' counsel; .8 hours on Rule 37 conference preparation and attendance; 6.5 hours researching and drafting the Motion to Compel (#24); 1.2 hours reviewing plaintiffs' opposition; and 4.3 hours drafting the reply. All of the

1 hours were billed by Craig R. Anderson at a rate of \$190/hour. While the court does not find these fees
2 to be unreasonable, the court's Order (#29) did not grant fees for defendants' time spent on the
3 discovery issues prior to filing its Motion (#24). The court will order plaintiff to pay the sum of
4 \$2,280.00 as the reasonable attorney's fees incurred by defendants in bringing the motion (#24),
5 reviewing the opposition, and drafting a reply.

6 Accordingly, and for good cause shown,

7 IT IS ORDERED that defendant's Motion to Compel (#24) is further GRANTED to the extent
8 that plaintiff shall pay to defendant the sum of \$2,280.00 as the reasonable attorney's fees incurred by
9 defendant in bringing its Motion to Compel (#24).

10 DATED this 1st day of November, 2010.



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12 **LAWRENCE R. LEAVITT**
13 **UNITED STATES MAGISTRATE JUDGE**

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